

TOWN OF OAK CREEK

ORDINANCE NO. 635

AN ORDINANCE AMENDING AND MODIFYING THE OAK CREEK LAND USE CODE AT VARIOUS SECTIONS

WHEREAS, the Oak Creek Planning Commission held a public meeting on August 19, 2015 and forwarded a recommendation to the Oak Creek Board of Trustees on various proposed amendments to the Town of Oak Creek Land Use Code (Land Use Code) to be considered at a duly noticed public hearing; and

WHEREAS, notice of a public hearing was published on August 2, 2015 in the Steamboat Pilot, a paper of general circulation in the Town; and

WHEREAS, the Oak Creek Board of Trustees held a public hearing on September 10, 2015 to consider the Planning Commission's recommendation and to hear public comments regarding the proposed amendments to the Land Use Code. Public comment was received at said public hearing; and

WHEREAS, Trustee Gagne made a motion to approve the recommendation of the Planning Commission regarding amendments to the Land Use Code with the finding of fact that the proposed changes to the Town of Oak Creek's Land Use Code are in conformance with the purpose and intent of the Town of Oak Creek's Comprehensive Plan. Trustee Auer seconded the motion. The motion passed unanimously.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

SECTION 1. AMENDMENTS. The Oak Creek Land Use Code codified as Chapter 17 of the Oak Creek Municipal Code is hereby amended as shown on Exhibit A hereto (additions are underlined, deletions are struck-through):

SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

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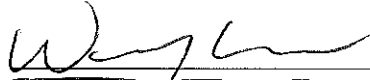
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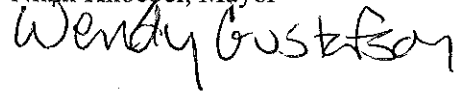
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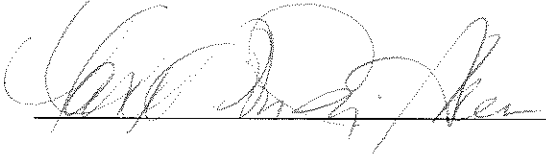
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INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 10th day of September, 2015.



Nikki Knoebel, Mayor


ATTEST:



Mary Alice Page-Allen
Town Administrator/Clerk



EXHIBIT A

Chapter 17.03 Development Applications, Review and Procedures

Sections:

- 17.03.01 Introduction.
- 17.03.02 Regulations waived.
- 17.03.03 Applications for land use changes - categories
- 17.03.04 Exemptions
- 17.03.05 Land use changes of no impact.
- 17.03.06 Land use changes of minor impact.
- 17.03.07 Land use changes of major impact.
- 17.03.08 Applications for land use change – how reviewed.
- 17.03.09 Public notice provisions.
- 17.03.010 Pre-application worksession.
- 17.03.011 Review procedure for land use changes of no impact.
- 17.03.012 Review procedure for land use changes of minor impact
- 17.03.013 Review procedure for land use changes of major impact
- 17.03.014 Expiration of land use change approvals.
- 17.03.015 Renewal of land use change approvals.
- 17.03.016 Standards by which the planning commission and the board of trustees will be guided.
- 17.03.017 Conditional use review criteria.
- 17.03.018 Mitigation techniques for land use approvals

17.03.017 Conditional Use Review Criteria

The Town shall use the following criteria to evaluate applications for conditional uses:

- q. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods including those identified in Section 17.03.018 of this Code. The applicant shall satisfactorily address the following impacts, as applicable:
 - 1. Traffic;
 - 2. Parking;
 - 3. Snow storage
 - 4. Activity levels, intensity of use;
 - 5. Light;
 - 6. Noise;
 - 7. Odor;
 - 8. Building type, style and scale;
 - 9. Hours of operation;
 - 10. Emission of dust, heat, glare, vibration, smoke, and odors; and
 - 11. Erosion control.

17.03.018 Mitigation Techniques for Land Use Approvals

The following standards shall apply to land uses considered under this Code. These standards do not apply to Exemptions.

A. Mitigation Techniques – General

1. Methods of mitigation of hazards or potentially significant negative impacts shall not shift the hazard or impact to another property.
2. Methods of mitigation shall be directed toward a permanent minimization of the hazard or impact.
3. Methods of mitigation shall not be terminated after transfer of ownership of final approval of the development.
4. The mitigation techniques [described in this section] are the minimum standards. Additional mitigation techniques may be required if warranted by local conditions.
5. The Town reserves the right to enforce more stringent standards or mitigation requirements than may be required by other regulating agencies if necessary to address local land use concerns.
6. Monitoring of certain uses may be required to establish whether required mitigation is being implemented or compliance with local and other regulating agencies is being achieved.

B. Mitigation Techniques – Natural Hazards

1. Geologic Hazard, Unstable or Potentially Unstable Slopes
 - a. Ensure development does not create or increase geologic hazard or subject adjacent properties to geologic hazard.
 - b. Use of engineered design for buildings in areas where instability is moderate.
 - c. Do not locate new development in areas of slope failure complex or highly unstable areas and prevent removal of soils below these types of geologic hazards.
2. Areas of Special Flood Hazard
 - a. Ensure development does not aggravate an existing area of special flood hazard or increase an area of special flood hazard to upstream or downstream properties.
 - b. Avoid development in flood way areas or flood channel zones.
 - c. Reduce or eliminate potential flood damage.
 - d. Alteration of flood channels, or changing direction or velocity of flow shall not be considered adequate mitigation.
 - e. Limit development to non-dwelling uses that will not be damaged when flooded.

C. Mitigation Techniques – Air Quality

1. Limit areas of disturbance to reduce dust generation. Minimize overlot grading for projects and phase grading with construction.
2. Re-vegetate disturbed areas as soon as possible.
3. Develop an odor control and response plan.

D. Mitigation Techniques – Noise Impacts

1. Limit hours of operation.
2. Limit hours and days of equipment operation to reduce noise effects to adjacent or nearby residents.
3. Use landscaping to muffle or redirect sound including berms, fencing or vegetation.
4. Locate equipment in an enclosed and acoustically insulated structure.
5. Place the operation a sufficient distance from residences, commercial areas and recreation areas to minimize noise impacts to those areas.
6. Install acoustically insulated house or covers enclosing any motor or engine.
7. Install a solid wall or fence of acoustically insulating material surrounding all or part of the facility.
8. Require a noise management plan specifying the hours of maximum noise and the type, frequency and level of noise to be emitted.
9. Construction of insulated buildings or other enclosures may be required where facilities create otherwise non-mitigatable noise impacts.

E. Mitigation Techniques – Wetland Impacts

All uses must comply with applicable Environmental Protection Agency (EPA) and Army Corp of Engineers (ACOE) standards and regulations for wetlands.

1. Avoid wetland areas.
2. Preserve existing significant vegetation within and surrounding wetland areas.

17.10.011. Sign Standards.

- A. Applicability of regulations. No person shall erect, alter or relocate any sign without first obtaining approval from the town ~~Public works director~~ under this section. The following activities are exempt from this section:
 1. Signs legally existing on the effective date of this code and repair of the same up to but not including fifty percent of their value;
 2. Address numerals and signs not exceeding one square foot in area;
 3. Legal notices;
 4. Traffic and parking signs which bear no advertising.
 5. Signs in the nature of cornerstones, commemorative tablets and signs identifying historical sites or structures not more than six (6) square feet per sign.
 6. Real estate signs advertising the property for sale not exceeding a total of sixteen (16) square feet.
 - 4.7. Political campaign signs and signs used in connection with a local, state or national political issue, election or referendum that are located on private property.
- B. Review Procedure. Unless exempted from all review as described above, all signs must be approved as developments of no impact under Section 17.03.011 (if approval is sought for the sign alone). If a sign is an integral part of a proposed land use change requiring review under this

code, review of the sign shall be combined with review of the land use change of which it is a part.

C. General Sign Regulations.

1. All signs shall be compatible with the use of the property upon which they are located, and with property in the general vicinity.
2. Except for time and/or temperature signs, no flashing or moving signs shall be permitted.
3. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.
4. No signs including traffic signs and similar regulatory notices except those of duly constituted governing body shall be allowed within road right-of-way lanes.
5. Any spotlights or floodlights permitted to illuminate signs shall be shielded such that their light source shall not cause a safety hazard and shall comply with the lighting requirements in Section 17.10.010.
6. Signs shall not exceed the height of the building on the same lot. Signs identifying the use of the premises shall be located on the lot. Signs advertising the sale or lease of property shall be located on the property advertised. Signs shall not exceed thirty-two [a total of fifty] square feet in area for each parcel and shall not be located on or extend over a pedestrian way or public sidewalk except as may be permitted by a revocable permit authorized by the Town or conforms to the portable sign regulations below.
7. Murals/works of art, defined as a painting or other work of art executed on an exterior building wall(s), shall not be considered under the other sign regulations but considered as a unique one-of-a-kind piece of public art. Each proposal shall be reviewed on its merit and approved by the Board of Trustees prior to the installation of the mural/work of art, and must meet the following criteria:
 - a. Shall be primarily artistic in nature, however up to 5% of the mural/work of art may be the name or logo of the sponsoring organization;
 - b. Murals/works of art must be a "one-of-a-kind" work of art and must not appear in any other public form including but not limited to advertising, logos, and trademarks and including publications where the mural is used to promote or identify the sponsor in any form.
 - c. Materials used for the mural/work of art shall use weather appropriate materials, e.g. UV protectant, metal.
 - d. A property owner statement that the maintenance and upkeep of the mural/work of art shall be the responsibility of the property owner, if such mural/work of art falls into disrepair the costs associated with its repair or removal shall be borne by the property owner, and such responsibilities shall run with the land. The statement shall be recorded in the records of the Routt County Clerk & Recorder to provide constructive notice to future property owners.
 - e. There shall be no review fee charged for the Board of Trustees' review of the mural/work of art.
 - f. Residential properties are not subject to the standards of this section.
8. Businesses shall be allowed one portable sign per street frontage, and may only be placed in the public right-of-way as may be authorized by the Town, and in accordance with the following:

- a. The sign shall not exceed six square feet of sign face, a height of four feet from the ground nor exceed thirty inches in any horizontal direction.
- b. The number of portable signs shall not exceed one per twenty-five linear feet of publicly accessible building frontage on any given level.
- c. The sign shall not be allowed to create a potentially hazardous situation or impede the flow of pedestrian traffic.
- d. Dimensional exceptions may be considered through review as a land use change of minor impact to encourage creativity and confirm that potential obstructions or hazards are avoided.
- e. The sign must be located immediately adjacent to the building frontage of the business being promoted, and must be securely tethered, weighted or restrained to resist strong winds.
- f. The sign may only be in place during the hours that the business is open to the public, and must be removed and stored inside the business at all other times.

6.9. Signs not in compliance with this section at the time of the adoption of the ordinance codified in this code shall be nonconforming. Nonconforming signs must be abated within five years or upon the occurrence of a change in use as described at Section 17.08.07, to the extent permitted by law.